

Panaji, 20th June, 2024 (Jyaistha 30, 1946)

SERIES II No. 12

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Supplement and three Extraordinary issues to the Official Gazette, Series II No. 11 dated 13-06-2024 as follows:

- (1) Supplement dated 13-06-2024 from pages 265 to 266 regarding Order from Department of Public Health.
- (2) Extraordinary dated 14-06-2024 from pages 267 to 268 regarding Order from Department of Finance.
- (3) Extraordinary (No. 2) dated 15-06-2024 from pages 269 to 270 regarding Notification from Goa Legislature Secretariat.
- (4) Extraordinary (No. 3) dated 18-06-2024 from pages 271 to 272 regarding Notifications from Goa State Election Commission.

GOVERNMENT OF GOA

Department of Industries

Order

No. 3/22/2023-IND/160

Government is pleased to nominate the Director of Industries, Trade and Commerce, Panaji-Goa, as the Single Point of Contact (SPOC) of State Level Programme Management Unit (SL-PMU) for co-ordination related to engagement of Programme Management Unit (PMUs) and subsequent correspondence with respect to progress monitoring of PM Vishwakarma Scheme.

By order and in the name of the Governor of Goa.

Asha Harmalkar, Under Secretary (Industries).
Porvorim, 10th June, 2024.

Department of Labour

Order

No. 24/2/2002-Lab-ESI/360

Read: Memorandum No. 24/2/2002-Lab-ESI/135 dated 21-02-2024.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/28(2)/2023/485 dated 26-12-2023, Government is pleased to appoint Dr. Suyash Shirish Mandurkar to the post of Senior Gynaecologist and Obstetrician (Group "A" Gazetted) in E.S.I. Hospital, under E.S.I. Scheme in Labour Department on temporary basis in the pay scale of 7th Pay Commission in the Pay Matrix under Level-11 (Rs. 67,700-Rs. 1,55,300) with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Suyash Shirish Mandurkar shall be on probation for a period of two years.

Dr. Suyash Shirish Mandurkar has been declared medically fit by the Medical Board.

The character and antecedents of Dr. Suyash Shirish Mandurkar has been verified by the Deputy Collector and DRO, South Goa.

The expenditure shall be debited to the Budget Head: 2210—Medical and Public Health; 01—Urban Health Services-Allopathy; 102—Employees State Insurance Scheme; 01—Implementation of Employees State Insurance Scheme; 01—Salaries.

The appointment is made against the vacancy created due to voluntary retirement of Dr. Deepa Kerkar on 30-04-2023.

By order and in the name of the Governor of Goa.

Asha Harmalkar, Under Secretary (Labour).
Porvorim, 12th June, 2024.

Notification

No. 28/02/2024-LAB/Part-I/333

The following Award passed by the Labour Court-II, at Panaji-Goa on 13-05-2023 in Case No. LC-II/IT/24/06 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Asha Harmalkar, Under Secretary (Labour).

Porvorim, 30th May, 2024.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

**(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)**

Case No. LC-II/IT/24/06

Shri Deepak Tirodkar,
Flat No. 5, Damodar Apartments,
Bhute Bhat,
Vasco-da-Gama, Goa Workman/Party-I.
V/s
M/s. Goa Shipyard Pvt. Ltd.,
Vaddem
Vasco-da-Gama, Goa Employer/Party-II.
Workman/Party I represented by Adv. Shri A.V. Nigalye.
Employer/Party II represented by Adv. M. S. Bhandodkar.

Panaji, dated: 13-05-2024

AWARD

1. In exercise of the powers conferred by Clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 12-06-2006, bearing No. 28/37/2003-LAB/349 referred the following dispute for adjudication to the Labour Court-II of Goa.

“(1) Whether the action of the Management of M/s. Goa Shipyard Pvt. Ltd., Vaddem, Vasco-da-Gama, Goa in terminating the services of Shri Deepak Tirodkar, Structural Fitter with effect from 24-01-2005 is legal and justified?”

“(2) If not, to what relief the workman is entitled?”

2. On receipt of the reference, a Case was registered under No. IT/24/06 and registered A/D notice was issued to the Parties. In pursuance to

the said notice, the Parties put in their appearance. The Workman/Party-I (for short, 'Workman') filed his Statement of Claim on 31-05-2007 at Exb. 5. The facts of the case, in brief as pleaded by the Workman are that the Employer/Workman (for short, 'the Employer') is a company incorporated under the provisions of the Companies Act, 1956, having its registered office and industrial establishment at Vaddem, Vasco-da-Gama. He stated that the Employer is a Government of Goa undertaking under the Ministry of Defense and it is engaged in manufacture, maintenance and repairs of Ships and Vessels for the Ministry of Defense, Coast Guard etc. He stated that he is a permanent employee of the Employer and governed by the Certified Standing Orders of the said establishment.

3. He stated that by letter dated 10-10-1997, certain false and baseless charges of misconduct were alleged against him and he was placed under suspension. He stated that the said letter was issued by the General Manager (Planning) of the Employer who is not his Disciplinary Authority. He stated that thereafter, a semblance of enquiry was held against him into the said charges by appointing an Enquiry Officer by the said General Manager. He stated that Ld. Enquiry Officer submitted his findings to the Management on 22-05-2003. He stated that however, no opportunity of hearing on the said findings was given to him.

4. He stated that thereafter, another charge-sheet dated 12-05-1998 was issued to him alleging certain acts of misconduct. He stated that it was alleged that on 03-01-1998, he assembled at the main gate of the Employer and stopped some of the workmen from attending duties. He stated that it was further alleged that thereafter, he along with other workers went to the Court of Judicial Magistrate First Class at Vasco-da-Gama, where regular Civil Suit No. 46/97 was fixed for hearing. He stated that he alongwith other workers assembled opposite the court premises and started making gestures and used abusive language against the defendant employees in the said suit. He stated that he was involved in snatching briefcase of Adv. Shirodkar. He stated that he participated in the meeting addressed by Shri P. Vincent Dias. He stated that thereafter, he along with others became violent and started pelting stones on the court building and damaged the vehicles belonging to the employees of the other group. He stated that he pelted stones on the other employees. He stated that it was alleged in the aforesaid charge-sheet that he committed the following acts of misconduct:-

II) Going on illegal strike or abetting, inciting, instigating or acting in furtherance thereof or resorting to obstruction aimed at or resulting in paralyzing the normal conduct or work of the Company.

XI) Drunkenness, riotous, disorderly, indecent or improper, behavior on the premises of the Establishment or outside the premises of Establishment or outside the premises of Establishment if it adversely affects on is likely to affect the working or discipline of Establishment.

XII) Commission of any act subversive or discipline or good behavior on the premises or precincts of the Establishment.

XXXII) Restraining or detaining or gheraoing any representative/employee or employees of the Company either inside or outside the premises of the Company.

XXXIII) Use of impolite or abusive language, assault or threat of assault, intimidation or coercion within the premises of the company against any employee of the company or any other person authorized to work in the company, and any such act outside the premises of the Company if it directly affects or is likely to affect the discipline or work or business of the Company.

XL) Pursuance of any conduct against the interest of the Company.

5. He stated that similar charge-sheets were issued to 13 other employees of the Employer. He stated that he filed his reply to the charge-sheet denying the charges alleged against him being false. He stated that thereafter a joint enquiry was held against all 14 employees including him by the Enquiry Officer appointed by the Employer. He stated that during the course of enquiry proceedings, the enquiry was dropped in respect of three employees. He stated that the charge-sheet issued to him was identical and in fact a verbatim reproduction of the charge-sheets issued to the aforesaid employees, however no action was taken against them. He stated that one of the employees, namely Shri Vaman Mhapankar was even promoted to a higher post of Sr. Clerk (Comp.) with effect from 03-07-2001. He stated that the enquiry was concluded on 30-03-2002 and the Ld. Enquiry Officer submitted his findings on 12-01-2004 i.e. after period of one year and nine months from the date of conclusion of enquiry.

6. He stated that by his findings, the Ld. Enquiry Officer held that only the first charge relating to illegal strike on 03-01-1998 is proved and further

held that the remaining five charges are not proved. He stated that in respect of the said Charge No. 1, the Management had already imposed the penalty of deduction of wages. He submitted that the said charge, therefore did not survive. Hence, in terms of the said findings, the Workman further stated that he was under suspension with effect from 10-10-1997 i.e. much before 03-01-1998 and as such, the question of his absents from duties or going on strike on 03-01-1998 did not arise.

7. He stated that thereafter, the General Manager (Planning) of the Employer issued show-cause notice dated 23-02-2004 to him stating that he disagrees with the findings of Ld. Enquiry Officer in respect of the remaining five charges and that he holds that all charges alleged against him are proved. He stated that by the said notice, he was directed to show-cause as to why he should not be dismissed from service without notice and payment in lieu of notice. He stated that he filed a petition in the Hon'ble High Court of Bombay at Panaji-Goa, being Writ Petition No. 169/2004 challenging the said show-cause notice. He stated that by oral judgment dated 27-04-2004, the Hon'ble High Court was pleased to allow his petition and quashed the said notice. The Hon'ble High Court further observed that the Respondents therein will be at liberty to issue show-cause notice to the Petitioners for showing cause against the proposal of Disciplinary Authority, taking a different view from the view taken by the Ld. Enquiry Officer.

8. He stated that thereafter, the said General Manager issued him a fresh show-cause notice dated 01-07-2004 holding that he is guilty of the charges alleged in the charges-sheet dated 10-10-1997 and proposing to differ from the findings of the Ld. Enquiry Officer in respect of the charge-sheet dated 12-05-1998 and purporting to arrive at a tentative conclusion that the charges of misconduct alleged against him are proved. He stated that he filed his reply to the show-cause notice stating that the said authority in its early show-cause notice had arrived at a final conclusion regarding proof of misconduct alleged against him and hence the same authority cannot now come to a tentative conclusion.

9. He stated that thereafter, the said General Manager (Planning) of the Employer issued him a final show-cause notice dated 01-12-2004, reiterating that all charges against him are proved. He stated that by the said notice, he was directed to show-cause as to why he should not be dismissed from service. He stated that he raised an industrial dispute in respect of his dismissal from service which ended in failure.

10. He challenged the said action of his dismissal from service w.e.f. 24-01-2005 and all action preceding thereto from the stage of issuance of charge-sheets are arbitrary, unreasonable, illegal and unjustified. He submitted that his service has been terminated without any reasonable cause and for no misconduct committed by him. He submitted that the show-cause notices, charge-sheet dated 10-10-1997 and charge-sheet dated 12-05-1998 and order of dismissal were issued to him by the General Manager (Planning) of the Employer. He submitted that the charge-sheets, show-cause notices and the dismissal order having been issued by an incompetent person, are without authority and jurisdiction. He submitted that the entire disciplinary proceedings are vitiated by the denial of natural justice to him. He submitted that in respect of the first charge-sheet dated 10-10-1997, the findings recorded by the Ld. Enquiry Officer are illegal and perverse. He submitted that the entire disciplinary proceedings are contrary to and in breach of the Certified Standing Orders of the Employer. He submitted that in respect of the second charge-sheet, the Ld. Enquiry Officer arrived at a reasonable conclusion that all charges alleged against him, except charge No. 1 relating to illegal strike on 03-01-1998 are not proved. He submitted that however, the General Manager (Planning) who issued the show-cause notices and the order of dismissal sought to differ with the findings of the Ld. Enquiry Officer and purportedly arrived at a subjective conclusion that all charges are proved. He submitted that there is no provision in the Certified Standing Orders of the establishment of Employer to differ with the findings of the Ld. Enquiry Officer. He submitted that the said Certified Standing Orders do not authorize the Disciplinary Authority to differ from the independent findings of the Ld. Enquiry Officer. He therefore submitted that the act of the said General Manager of differing and disagreeing with the findings of the Ld. Enquiry Officer is, therefore, without authority and contrary to the Certified Standing Orders of the establishment. He submitted that the said charge-sheets were issued by their respective departmental heads i.e. the respective General Managers. He submitted that the show-cause notices in respect of the said charge-sheets were issued to him by the General Manager (Planning). He submitted that similar show-cause notices were also issued to 13 other employees by their respective General Managers. He submitted that however, the contents of all show-cause notices i.e. the show-cause notices issued to him and to the said 13 employees are identical and verbatim reproduction, though they

were issued by different Officers. He, therefore, submitted that the show-cause notices were not prepared by the concerned Officers and they were drafted by someone else and the General Manager (Planning) signed those on the dictation of others. This proves the non-application of mind by the General Managers (Planning) of the Employer. He submitted that the said General Manager was disqualified to act as their Disciplinary Authority after arriving at the said final conclusion regarding the guilty of him as stated in the first show-cause notice dated 17-02-2004 and after the said notice was quashed and set aside by the Hon'ble High Court. He submitted that the aforesaid facts and circumstances show the bias of the said Officer against him. He submitted that a biased person is disqualified from acting as the Disciplinary Authority and participate in the disciplinary proceedings. He submitted that he was under suspension from 10-10-1997 i. e. even before the said charge-sheet was issued to him. Hence, not a single charge alleged against him in the charge-sheet dated 12-05-1998 is proved. He submitted that the said action of the Employer is contrary to principles of natural justice and it is pre-meditated and vindictive. He submitted that the General Manager (Planning) of the Employer ought not have acted as his Disciplinary Authority, since he is the Appellate Authority in terms of the Certified Standing Orders of the Employer. He submitted that he has lost his valuable right of appeal due to the acts of the said Officer of issuing the show-cause notices and functioning as the Disciplinary Authority. Similarly, three more employees were suspended and charge-sheeted along with him. The charges against the said employees were dropped and they were reinstated in service. He submitted that the aforesaid facts prove the discrimination and bias of the Officers of the Employer. He submitted that the action of the Employer is malafide. He submitted that the Ld. Enquiry Officer submitted his Findings after over two and half years from the date of conclusion of the proceedings. He submitted that a period of over six years has passed from the date of service of the charge-sheets to the date of submission of findings by the Ld. Enquiry Officer. The Order of dismissal was issued on 24-01-2005 i.e. almost eight years after the first charge-sheet. He submitted that it is unreasonable to punish him with the extreme penalty of dismissal from service at this stage. He submitted that without prejudice to the submissions made hereinabove and assuming without admitting that he is guilty of the misconduct alleged against him, he submitted that the punishment of dismissal awarded to him is too

harsh and severe. He submitted that the Order of dismissal passed by the General Manager (Planning) of the Employer is illegal and it is liable to be set aside. The Workman, therefore prayed for passing an Award, quashing and setting aside the said Order of dismissal and the Employer be directed to reinstate him in service with full back wages and other consequential benefits.

11. The Employer resisted the Claim of the Workman by filing its Written Statement on 04-10-2007 at Exb. 8. The Employer, as and by way of its preliminary objection, submitted that the entire reference is bad-in-law and not maintainable as it is not a private limited company. The Employer submitted that it is a Central Government's public sector undertaking. The Employer submitted that it is in the business of ship building and ship repairs for Indian Navy and Coast Guards. The Employer submitted that its business is carried out and controlled under the authority of Central Government. The Employer submitted that it is under the administrative control of Ministry of Defense, Department of Defense Production. The Employer therefore submitted that the appropriate Government in the present case is Central Government and not Government of Goa. The Employer further submitted that the Government of Goa has no authority and/or jurisdiction to entertain and refer the present dispute.

12. The Employer stated that the Workman was employed with them as Structural Fitter w.e.f. 07-01-1981. The Employer stated that it was alleged against the Workman that he exhibited the posters inside the premises in his own handwriting, at its Pipe Shop, at P.F. Commissioner's Office and Labour Commissioner's Office at Panaji, at the Margao Bus stand and near the Cortalim bridge, containing false, vicious and/or malicious and vulgar statements against its Chairman and Managing Director, General Manager (P & A) and 5 other employees, who were office bearers of the union. The Employer stated that while exhibiting the said posters, the Workman had not taken any permission from the competent authorities. The Employer stated that after enquiry, verifications and comparison of handwriting, they suspected that the said posters are creation of the Workman. The Employer stated that for confirmation of the handwriting, they had sent the said documents alongwith other handwritten documents of the Workman to the office of the Government Examiner of Questioned Documents, Bureau of Police Research & Development, Ministry of Home Affairs, Government of India at Hyderabad by its letter

dated 03-09-1997. The Employer stated that since the Workman committed grave and severe misconducts, he was placed under suspension with immediate effect pending enquiry, vide their letter dated 10-10-1997. The Employer stated that the Workman was also requested to submit his written explanation within three days from the receipt of the said letter as to why disciplinary action should not be initiated against him. The Employer stated that the Workman submitted his written explanation dated 27-10-1997 to the said suspension order dated 10-10-1997. The Employer stated that the Workman submitted his explanation on irrelevant issues without referring to the specific charges/allegations leveled against him in letter dated 10-10-1997, but denied the charges leveled against him.

13. The Employer stated that since the said explanation was not found to be satisfactory, they decided to conduct an enquiry against the Workman by appointing Shri K.V. Nadkarny as the Enquiry Officer. The Employer stated that the Workman was allowed to be defended by Adv. Mario Almeida as requested by him vide his application dated 20-12-1997. The Employer stated that the enquiry started on 20-12-1997 and concluded on 28-06-2002. The Employer stated that the Workman fully participated in the enquiry. The Employer stated that after conclusion of the enquiry, the Ld. Enquiry Officer submitted his findings dated 22-05-2003 and came to the conclusion that the Workman is guilty of the charges levelled against him at Sr. No. XII, XXIII, XXXIX and XLI of its Certified Standing Orders. The Employer stated that the Ld. Enquiry Officer has however, exonerated the Workman from the charge at Clause No. XI of its Certified Standing Orders. The Employer stated that it has conducted a fair and proper enquiry by following the principles of natural justice. The Employer stated that full opportunity has been given to the Workman to defend his case. The Employer submitted that the findings submitted by the Ld. Enquiry Officer is based on evidence on record and after appreciating the entire evidence on record, he came to the conclusion that the charges have been found proved against the Workman. The Employer submitted that in the event, if this Hon'ble Tribunal come to the conclusion that the enquiry is not conducted in a fair and proper manner or in violation of principles of natural justice or that the findings of the Ld. Enquiry Officer is perverse, they crave leave to additional evidence to justify its case.

14. The Employer stated that on 03-01-1998, the Workman along with some other co-worker unauthorizedly assembled outside its main gate. The Employer stated that they illegally and unjustifiably obstructed and prohibited its other workers from entering in its premises for performing their duties. The Employer stated that the Workman alongwith some other workmen created tense and terror in the minds of other workers who came to report for their duties on 3-1-1998 at its gate. The Employer stated that because of fear and terror created in the minds of its workers by the Workman and some other workmen, majority of workers including some lady workers, unwillingly but arising out of fear and pressure by the Workman along with some other workmen, went at Mangoor Hill by paralyzing the work and its functioning. The Employer stated that thereafter the Workman alongwith some other workmen unauthorizedly assembled outside the Court premises at Mangoor Hill, Vasco-da-Gama, and started shouting slogans by using filthy languages. The Employer stated that they also abused other workers who claimed to be defendants in the said Civil Suit. The Employer stated that because of the said act of the Workman, there was disturbance for the advocates and litigants who wanted to attend the Court in their respective cases. The Employer stated that some of the workers including the workers claiming to be the Plaintiffs and Defendants in the said Civil Suit were inside the Court premises. The Employer stated that since the Presiding Officer was on leave, the matter was adjourned to some other date. The Employer stated that having knowledge of the adjournment of the matter, the concerned Workman and some other workers became violent to such an extent that they physically assaulted, manhandled Adv. Mr. Shirodkar who was going out of the Court premises. The Employer stated that the Workman alongwith some other workmen snatched the brief case of the said advocate and also caught hold of his coat. The Employer stated that arising out of physical attack, Adv. Shirodkar got scared and rushed in the court premises to protect himself and filed a complaint before one of the Judicial Magistrate who was present in the Court. The Employer stated that the Workman alongwith some other workmen and their supporters started pelting stones not only on the other workers who claimed to be defendants in the said Civil Suit, but also on the Court building. The Employer stated that though there were some police personnel who witnessed that the Workman and some other workmen are becoming violent, to avoid any law and order situation, called for additional police force. The

Employer stated that thereafter police inspector Mr. Thorat and Executive Magistrate of Vasco-da-Gama came at the Court premises. The Employer stated that the Police personnel and the Executive Magistrate asked the workers including the Workman to vacate the Court premises. The Employer stated that meanwhile the Workman alongwith some other workmen instigated the mob and encouraged to become violent. The Employer stated that because of the instigation by the Workman and some other workmen, there was an unpleasant incident of pelting stones on the temple of law and the Workman was directly involved in it and such an act was not acceptable from any person much less by the Workman of any public sector undertaking. The Employer stated that because of terror and havoc created by the Workman alongwith some other workmen, the workmen who were in the court premises, out of fear were not ready to come down from the court premises. The Executive Magistrate and Police Inspector asked those workmen to vacate the premises. The Employer stated that having regards to violent mood of the Workman and some of the workmen, the Police Inspector assured the workmen who were in the court premises that the police will escort them and they will be dropped by the police van. The Employer stated that however, the workers were not willing to come down from the court premises because of threat and terror atmosphere created by the Workman and others. The Employer stated that therefore, the Executive Magistrate and Police Inspector were compelled to give protection and forced the workmen who were in the court premises to vacate the court premises, and then only the workmen came down from the court premises with support and help of police. The Employer stated that however, the violent activities of the Workman alongwith some other workmen were continued and they even pelted stones on those workmen who were escorted by the police personnel, including police personnel, which resulted in injuries to three workmen. The Employer stated that the Workman alongwith some other workmen were not in a mood even to listen the police Inspector and Executive Magistrate and continued their illegal activities. Therefore, the police were compelled to make a lathi charge. The Employer stated that it is pertinent to note that the Workman with some of the workmen were even arrested by the police and charge-sheets were filed against the Workman and others for their illegal and unjustified act including an act at the court premises.

15. The Employer submitted that the entire acts of the Workman alongwith some other workmen that

also from the public sector undertaking, were grave and serious acts of misconducts including subversive of discipline and good behavior outside the premises. The Employer submitted that such act was detrimental for smooth functioning of the establishment. Therefore, they suspended the Workman including some other workmen who were indulged in the illegal activities, pending enquiry and result thereof. The Employer further stated that they served a charge-sheet individually on those workmen including the Workman. The Employer stated that the Workman submitted his written explanation. The Employer stated that since the said written explanation was not satisfactory, they decided to conduct the enquiry against the Workman. The Employer stated that initially, they started individual and separate enquiries of all the workmen including the Workman, who were issued the charge-sheets. The Employer stated that since all the charges-sheets were arising out of the same incident and misconducts were more or less similar, it was decided to conduct a common enquiry of all fourteen workmen. The Employer stated that therefore the enquiry of the Workman was clubbed with enquiries of other workmen. The Employer stated that some of the workmen accepted their guilt at the beginning of the enquiry itself, whereas the enquiry of the Workman continued. The Employer stated that the Workman fully participated in the enquiry and he was represented by Adv. Mario Almeida. The Employer stated that the Ld. Enquiry Officer while appreciating the evidence, came to the conclusion that there is sufficient evidence to prove the charges levelled against the Workman. The Employer stated that however, to the utter surprise, the Ld. Enquiry Officer held the Workman guilty of only single charge i.e. going on illegal strike or abetting, instigating or acting in furtherance the normal conduct or work of the company", and submitted his findings to them. The Employer stated that the observations made by the Ld. Enquiry Officer in his findings clearly shows that the Workman, along with other workmen were directly involved in the illegal and unjustified activities and therefore the police started the lathi charge."

16. The Employer stated that before issuing the show-cause notice, the Disciplinary Authority perused the enquiry proceedings, its connected papers and findings of the Ld. Enquiry Officer and the Disciplinary Authority did not concur with the

findings, after going through the findings of the Ld. Enquiry Officer. The Employer stated that the Disciplinary Authority after appreciating the enquiry proceedings and findings of the Ld. Enquiry Officer, come to a firm and definite conclusion that all the charges leveled against the Workman have been proved. The Disciplinary Authority, therefore while issuing a show-cause notice dated 17-02-2004 to the Workman, also issued/enclosed his separate reasoning as to why and how the Disciplinary Authority differ with the findings of the Ld. Enquiry Officer on the remaining charges which according to the Ld. Enquiry Officer are not proved and how the said charges are also proved against the Workman. The Employer stated that the Disciplinary Authority while issuing the said show-cause notice enclosed the findings of Ld. Enquiry Officer and his own findings, had given 7 days time to the Workman to file his reply to the said show-cause notice. The Employer stated that the Workman filed his reply dated 08-05-2004 to the show-cause notice dated 17-02-2004 issued to him. The Employer stated that the Workman in his reply dated 08-05-2004 submitted to them merely denied the charges levelled against him saying amongst others things that, the Disciplinary Authority has no power to differ the findings of the Ld. Enquiry Officer.

17. The Employer stated that meanwhile, the Workman along with some other workmen concerned in the same enquiry and who had been also issued similar show-cause notices, filed writ petitions bearings No. 143 of 2004 to 150 of 2004 before the Hon'ble High Court of Bombay at Panaji Bench, challenging the validity of show-cause notice issued to them. The Hon'ble Court observed that before the Disciplinary Authority differs with the view of the Ld. Enquiry Officer and proposed to come to a different conclusion, a reasonable opportunity of hearing should be granted to the workmen to show-cause against the reversal of the findings, which have been recorded in his favour by the Ld. Enquiry Officer. The Employer stated that the Hon'ble court further observed that the Respondent will be at liberty to issue a show-cause notice to the Petitioners for showing cause against the proposal of the Disciplinary Authority taking a different view from the view taken by the Ld. Enquiry Officer.

18. The Employer stated that thereafter, in view of the observations made by the Hon'ble High Court, they, by its letter dated 01-07-2004 withdrew the earlier show-cause notice and issued a fresh show-

-cause notice enclosing the reasoning of the Disciplinary Authority, why he is differing from the findings of the Ld. Enquiry Officer and asked to show-cause to indicate the reasons as to why the Disciplinary Authority should not differ from the findings of the Ld. Enquiry Officer to the extent of holding him guilty of the charges from Sr. No. 2 to 6 mentioned in the impugned charge-sheet. The Employer stated that a common show-cause notice dated 01-12-2004 in respect of both the charge-sheets and its findings were issued to the Workman asking him to submit his explanation within 7 days from the receipt of show-cause notice. The Employer stated that the Workman, by his letter dated 10-01-2005 submitted his explanation to the said show-cause notice. The Employer stated that they, thereafter carefully gone through the said explanation of Workman and found it far from satisfactory and further observed that the points and objection raised by the Workman were not at all relevant and contrary to the facts of the case, circumstances and situation arising out of the misconducts committed by the Workman and was far from satisfactory. Therefore, having regards to the gravity of the charges found proved against the Workman, they, by its order dated 22-1-2005 dismissed the Workman as per the provisions of the Certified Standing Orders applicable to the establishment.

19. The Employer submitted that while dismissing the Workman from the services, they did follow the procedure of law and full and fair opportunity was given to him to defend his case while conducting the enquiry. The Employer submitted that the enquiry was conducted by following the principles of natural justice. The Employer further submitted that having regards to the findings of the Ld. Enquiry Officer and findings of the Disciplinary Authority, they gave full opportunity to the Workman by issuing show-cause notices while giving reasoning for differing from the findings of the Ld. Enquiry Officer, so that the Workman can give satisfactory explanation to the said show-cause notice having regard to the findings of the Ld. Enquiry Officer as well as Disciplinary Authority as also before imposing the punishment. The Employer submitted that the entire action is arising out of the principles of natural justice and observations made by the Hon'ble High Court. The Employer submitted that its entire action is within the parameter and provisions of the law and this Hon'ble Tribunal should not interfere with their bonafide decision.

20. Without prejudice, the Employer submitted that assuming without admitting if this Hon'ble

Tribunal comes to the conclusion that the enquiry has not been conducted by following the principles of natural justice or that the findings of the Ld. Enquiry Officer/Disciplinary Authority is/are perverse and/or bias (there is no scope/warrant to come to such conclusion), they crave leave to lead additional evidence to justify its action of dismissal of the Workman.

21. Thereafter, the Workman filed his Re-joinder on 06-12-2007 at Exb. 8-A. The Workman, by way of his Re-joinder, denied each and every statements, averments and submissions made by the Employer vide their Written Statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim. The Workman submitted that the reference issued by the Government of Goa is perfectly valid and within its powers. He stated that in Section 39 of the I.D. Act authorizes the Central Government to issue notifications directing that any power exercisable by it under the said Act or Rules made thereunder shall be also exercisable by such Officer or Authority subordinate to the Central Government or by the State Government or by such Officer or Authority subordinate to the State Government as may be specified in the Notification. He submitted that in terms of powers conferred by Section 39, the Central Government has issued a Notification dated 03-07-1998 directing that all powers exercisable by it under the said Act shall be exercisable also by the State Government in respect of the Central Public Sector Undertakings, Corporations and Autonomous Bodies listed in the said Notification. He stated that the Employer is at Sr. No. 36 therein. He submitted that in view of the said Notification, the State Government has full powers, authority and jurisdiction to refer the dispute to this Hon'ble Tribunal.

22. Based on the pleadings filed by the respective parties, the Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court framed certain issues on 12-03-2008 at Exb. 9. The said issues framed at Exb. 9 have been re-casted as under vide order dated 6-3-2014 disposing off the joint application of both parties.

1. *Whether the Central Government is the appropriate Government in so far as Party-II is concerned?*
2. *Whether this Hon'ble Labour Court has jurisdiction to try and entertain the present reference?*

3. *Whether fair and proper enquires were conducted against workmen/Party-I in respect of the charge sheet dated 10-10-97 and charge sheet dated 12-05-98 issued to him?*
4. *Whether the workmen/Party-I proves that the action of the disciplinary authority to differ from the findings dated 12-01-2004 given by enquiry officer is illegal, null and void?*
5. *Whether the charges of misconduct leveled against Party-I vide charge sheet dated 10-10-97 and charge sheet dated 12-05-98 are proved to the satisfaction of this court by acceptable evidence?*
6. *Whether the Party-I proves that the action of the employer in terminating his services w.e.f. 24-1-2005 is illegal and unjustified?*
7. *Whether the Party-I proves that he is entitled to any relief?*
8. *What Order? What Award?*

23. My answers to the aforesaid issues are as under:

- a) Issue No. 1 : In the negative.
- b) Issue No. 2 : In the affirmative.
- c) Issue No. 3 : In the affirmative.
- d) Issue No. 4 : In the negative.
- e) Issue No. 5 : Partly in the affirmative and partly in the negative.
- f) Issue No. 6 : In the negative.
- g) Issue No. 7 & 8 : As per final order.

I have heard the oral arguments of the Ld. Rep. Shri Subhash Naik appearing for the Workman as well as Ld. Adv. Shri M. S. Bandodkar representing the Employer. I have carefully perused the entire records of the present case. I have also carefully considered the submissions advanced before me.

REASONS

24. *Issue No. 1 & 2:* The Employer, as and by way of its preliminary objection, submitted that it is a public limited company and public sector undertaking and that the State Government is not the appropriate Government, that it is a Central Government's Public Sector Undertaking and it is in the business of ship building and ship repairs for Indian Navy and Coast Guard, that its business is carried out and control under the authority of Central Government, that it is under the Administrative control of Ministry of Defense, Department of Defense Production. The Employer

therefore submitted that, the appropriate Government in its case is Central Government and not Government of Goa and that the Government of Goa has no authority and/or jurisdiction to entertain and refer the present dispute. The burden was cast upon the Employer.

25. By notification dated 03-07-1998, the Government of India, Ministry of Labour, New Delhi informed that in exercise of the powers conferred by Section 39 of the Industrial Disputes Act, 1947, the Central Government hereby directs that all the powers exercised by it under the Act and the rules made thereunder shall, in relation to all the Central Public Sector undertakings and their subsidiaries, corporation and autonomous bodies specified in schedule annexed to its notification be also exercised by the State Governments subject to the condition that the Central Government shall exercise all the powers under the said Act and Rules made thereunder as and when it considers necessary to do so. Thus, the appropriate Government under Section 39 of the Industrial Disputes Act, 1947 have been delegated to all the State Governments. Hence, it is held that the Employer has failed to prove that the present order of reference is bad-in-law in view of the reasons stated in para 2(a) and 2(b) of its Written Statement. It is held that the Workman proved that this Hon'ble Court has jurisdiction to try and entertain the present reference. The Issue No. 1 is therefore answered in the negative and the Issue No. 2 is answered in the affirmative.

26. *Issue No. 3:* Vide order dated 09-06-2015 passed in my findings on the preliminary issue No. 3 to 5, it has been held that a fair and proper enquiry was conducted against the Workman in consonance with the principles of natural justice as well as with the provisions of the Certified Standing Orders of the Employer in respect of charge-sheet dated 10-10-1997 and charge sheet dated 12-05-1998 issued to him. The issue No. 3 is therefore answered in the affirmative.

27. *Issue No. 4:* Vide order dated 09-06-2015 passed in my findings on the preliminary Issue No. 3 to 5, it has been held that the Workman failed to prove that the action of the disciplinary authority to differ from the findings given by the Ld. Enquiry Officer is illegal, null and void. The Issue No. 4 is therefore answered in the negative.

28. *Issue No. 5:* Vide order dated 09-06-2015 passed in my findings on the preliminary Issue No. 3 to 5, it is held that all the charges of misconduct levelled against the Workman, vide charge-sheet

dated 10-10-1997 have been proved to the satisfaction of the court by acceptable evidence, except the charge at Clause No. 29 (XI). It is further held that the Employer proved the charges of misconduct to the satisfaction of this court by acceptable evidence against the Workman, in respect of charge-sheet dated 12-05-1998 partly to the extent of proving of charges at Clause No. 29 (II), 29 (XI) and 29 (XII) only and the remaining charges of misconduct i.e. at Clause No. 29 (XXXII), 29 (XXXVII) and 29 (XLI) of its Certified Standing Order, have not been proved. The Issue No. 5 is therefore answered partly in the affirmative and partly in the negative.

29. Issue No. 6: Vide order dated 09-06-2015 passed in my findings on the preliminary Issue No. 3 to 5, it is held that all the charges of misconduct levelled against the Workman, vide charge-sheet dated 10-10-1997 have been proved to the satisfaction of the court by acceptable evidence, except the charge at Clause No. 29 (XI). It is further held that the Employer proved the charges of misconduct to the satisfaction of this court by acceptable evidence against the Workman, in respect of charge-sheet dated 12-05-1998 partly to the extent of proving of charges at Clause No. 29 (II), 29 (XI) and 29 (XII) only and the remaining charges of misconduct i.e. at Clause No. 29 (XXXII), 29 (XXXVII) and 29 (XLI) of its Certified Standing Orders, have not been proved.

30. The Employer therefore decided to lead fresh evidence before this Hon'ble Court in respect of the charges of misconduct i.e. at Clause No. 29 (XXXII), 29 (XXXVII) and 29 (XLI) of its Certified Standing Orders which have not been proved before the domestic inquiry. In order to prove the aforesaid misconduct, the Employer has examined the witnesses namely, Shri Damodar Desai, and Mr. Kishor Manohar Samant, the Addl. General Manager (Legal). In rebuttal, the Workman examined himself before this Hon'ble Court. All the witnesses examined by either parties, were thoroughly cross examined. Ld. Adv. Shri A.V. Nigalye appearing for the Workman submitted that the Employer failed to prove the charges of misconduct by leading fresh evidence and relied upon a judgment of Hon'ble Apex Court in the case of **Neeta Kapillesh vs. Presiding Officer, Labour Court & anr reported in 1999 LAB. IC. 445.**

32. In the case of **Neeta Kapillesh vs. Presiding Officer, Labour Court & anr**, the Hon'ble Apex Court in para 26 of its judgment held as under:

"26. The record pertaining to the domestic enquiry would not constitute "fresh evidence" as those proceedings have already been found by the

Labour Court to be defective. Such record would also not constitute "material on record", as contended by the counsel for the respondent, within the meaning of Section 11-A at the enquiry proceedings, on being found to be bad, have to be ignored altogether. The proceedings of the domestic enquiry could be, and, were, in fact, relied upon by the Management for the limited purpose of showing at the preliminary stage that the action taken against the appellant was just and proper and that full opportunity of hearing was given to her in consonance with the principles of natural justice. This contention has not been accepted by the Labour Court and the enquiry has been held to be bad. In view of the nature of objections raised by the appellant, the record of enquiry held by the Management ceased to be "material; on record" within the meaning of Section 11-A of the Act and the only course open to the Management was to justify its action by leading fresh evidence as required by the Labour Court. If such evidence has not been led, the Management has to suffer the consequences."

The principle laid down by the Hon'ble Apex Court in its aforesaid judgment is well established and also applicable to the case in hand.

33. Though, it was necessary to prove the unproved charges by fresh and independent evidence, the Employer failed to adduce any fresh and independent evidence. The Employer however, once again examined Shri Damodar Dessai, who had examined before the Ld. Enquiry Officer and produced on record the same documents i.e. of proceedings of the enquiry complaint, dated 03-01-1998 against inhuman behaviour of supporters of Shri P. V. Dias by him and others, complaint of assault dated 03-01-1998, letter dated 06-01-1998 from the Police Inspector, Vasco Police Station, Vasco-Goa, F.I.R. dated 03-01-1998, report regarding Rioting Incident dated 07-01-1998 from Supdt. of Police to the Managing Director, G.S.L., letter dated 08-01-1998 from the Dy. Inspector General of Police, Panaji to the Managing Director, G.S.L. etc. The deposition of the said Shri Damodar Dessai is more or less the same. The said witness also could not produce the documentary evidence to establish the case in respect of unproved charges.

34. I have carefully gone through in detail, the evidence led by the Employer of Shri Damodar Desai as well as Shri Kishor Samant and on going through the same, there is no substantial evidence to prove the allegations that the workmen were restrained,

detained or gheraoed by the workmen either inside or outside premises of the Employer Company. Similarly, there is no substantial acceptable evidence to prove the allegations and to prove the charge that any abusive or insulting language or any sort of threat or assault, intimidation or coercion was done by the workmen within the premises of the Employer Company, which is directly affecting the discipline or work or business of the Company. Hence, it is held that the Employer failed to prove that the charges of misconduct at Clause No. 29 (XXXII), 29 (XXXVII) and 29 (XLI) of its Certified Standing Orders.

Thus, it is held that the Employer could prove the charges of misconduct as stated in the charge-sheet dated 12-05-1998 at Clause No. 29(II), 29(XI) and 29(XII) of its Certified Standing Orders. Similarly, the Workman was also issued one more charge-sheet dated 10-10-1997 and the charges of misconduct levelled against the Workman have been proved to the satisfaction of this Court by acceptable evidence are 29(II), 29(XII), 29 (XXXII), 29(XXXVI) and 29(XLI).

35. Ld. Adv. Shri A.V. Nigalye representing the Workman submitted that the Clause 29 (XI) of the CSO has not been proved as there is no evidence to prove the said charges and that there is no direct evidence of distribution and exhibition of the said Poster. Since this Hon'ble Court has already come to the conclusion vide its findings date 09-06-2015 and held that all the charges of misconduct levelled against the Workman vide charge-sheet date 10-10-1997 have been proved to the satisfaction of this Court by acceptable evidence except the charge at Clause No. 29 (XI) and as such, I do not find any merits in the submissions of Ld. Adv. A.V. Nigalye appearing for the Workman. Ld. Adv. Shri A.V. Nigalye representing the Workman submitted that similar charge-sheets were issued to 13 other employees of the Employer and a joint enquiry was held against all 14 employees including the Workman by appointing an Enquiry Officer. He submitted that during the course of the enquiry proceedings the enquiry was dropped in respect of 3 employees. He submitted that similar charge-sheets were issued to the 15 employees of the Employer. The charge-sheet issued to the Workman were identical and in fact, a verbatim reproduction of the charge-sheet issued to other employees. However, no action was taken against them and one of them namely, Shri Vaman Mhapalkar was even promoted to a higher post of Senior Clerk (COMP) w.e.f. 03-07-2001. In support of his oral arguments, he relied upon a judgment of the Hon'ble

Apex Court in the case of **Municipal Commissioner and Anr Vs. Aparna Anil Kesarkar, reported in 2024 CLR 738**. The facts of the said case are totally different than the case in hand. Hence, the principles laid down by the Hon'ble Apex Court is not applicable to the case in hand. Per contra, Ld. Adv. Shri M.S. Bandodkar representing the Employer during the course of his oral arguments submitted that there is no discrimination in punishment issued to the Parties and relied upon a judgment of Hon'ble Supreme Court of India in the **Case of M/s. Obettee Pvt. Ltd. V/s. Mohd. Shafiq Khan reported in AIR 2005, SC 3510**.

37. In the case of **M/s. Obettee Pvt. Ltd. (Supra)** the Hon'ble Supreme Court of India in para 8 of its judgment held as under:

"On consideration of the rival stand one thing becomes clear that Chunnu and Vakil stood at different footing so far as the respondent-workman is concerned. He has, unlike the other two, continued to justify his action. That was clearly distinctive feature which the High Court unfortunately failed to properly appreciate. The employer accepted to choose the unqualified apology given and regrets expressed by Chunnu and Vakil. It cannot be said that the employer had discriminated so far as the respondent-workman is concerned because as noted above he had tried to justify his action for which departmental proceedings were initiated. It is not that Chunnu and Vakil were totally exonerated. On the contrary, letter of warning dated 11-4-1984 was issued to them."

The principle laid down by the Hon'ble Apex Court is well established and also applicable to the case in hand.

38. In the case in hand, it appears that similar charge-sheets were issued to 13 other employees including the Workman. During the course of enquiry proceedings, the enquiries against the 3 employees were dropped as they have accepted the charges unconditionally at the initial stage and further assurance given by them that they will not commit any such or similar misconduct and requested for a lenient view. Apart from the said charge-sheet, the Workman was also issued one more charge-sheet date 10-10-1997 and as such the punishment of termination from service cannot be said to be discriminatory.

39. Ld. Adv. Shri M.S. Bandodkar representing the Employer submitted that it is the domain of the disciplinary authority to impose the punishment

and the Court cannot assume the function of disciplinary/departmental authority and to decide the quantum of punishment and nature of penalty to be awarded and that limited judicial review is available to interfere with the punishment imposed by the disciplinary authority only in cases where such penalty is found to be shocking to the conscience of the Court and relied upon a judgment of Hon'ble Apex Court in the case of **Indian Oil Corporation Ltd. (Supra) Vs. Rajendra D. Harmalkar reported in 2022 III CLR 567.**

40. The Hon'ble Apex Court in its case of **Indian Oil Corporation Ltd. (Supra) in para 19** held as under:

"19. The principles discussed above can be summed up and summarized as follows:

19.1. When charge(s) of misconduct is proved in an enquiry the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.

19.2. The courts cannot assume the function of disciplinary/departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.

19.3. Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.

19.4. Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.

19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co-delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co-delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified apology, lesser punishment to him would be justifiable."

The principle laid down by the Hon'ble Apex Court is well established and also applicable to the case in hand.

In the case of **K. Gunasekaran (Supra) Vs. Management of the Nilgiris District Plantation Workers Co-op. Credit Society Ltd. & Anr reported in 2014 LLR 139**, the Hon'ble High Court of Madras in para 13 of its judgment held as under:

The Hon'ble Supreme Court in the decision reported in 2006) 6 SCC 749 (Union of India v. K.G. Soni) in paragraphs 14 and 15 held thus,

"14..... the court should not interfere with the administrators decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the should not substitute its decision to that of the administrator. The scope of judicial review is limited to the deficiency in the decision-making process and not the decision".

"15. To put it differently, unless the punishment imposed by the disciplinary authority or the Appellate Authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof in the normal course if the punishment imposed is shockingly disproportionate, it would be appropriate to direct the disciplinary authority or the Appellate Authority to reconsider the penalty imposed."

The principles laid down by the Hon'ble High Court of Madras is well established and also applicable to the case in hand.

In the case of **Dinkar Murlidhar Anap Vs. Maharashtra State Road Transport Corporation reported in 2016 LLR 226**, The Hon'ble High Court of Bombay in para 8 and 18 held as under:

"8. This Court, in the matter of Bajaj Auto Limited v. Kalidas Devram Patil reported in 2000 (2) Bom CR630: 2000 (84) FLR 157, has concluded that a short and clean past service record would not operate as a mitigating factor since a clean record for a long duration will alone indicate the attitude, discipline and conduct of an employee. A short clean past service record is not an indicator of the attitude and conduct of an employee."

18. With having settled the issue as above, I am required to look into whether, the punishment awarded to the Petitioner could be said to be shockingly disproportionate. It is trite law that merely because the punishment may appear to be disproportionate would not call for any interference by the Courts. The punishment has to appear to be shockingly disproportionate so as to shock the judicial conscience of the court. Such punishment should appear to be an outrageous defiance of moral standard and logic”.

The principles laid down by the Hon'ble High Court of Bombay is well established and also applicable to the case in hand.

43. In the case in hand, the Workman claimed that his past service is clear and unblemished. The Workman admitted that he was issued two charge-sheets i.e. one date 10-10-1997 for the misconduct committed on 22-08-1997 and another charge-sheet date 12-05-1998 for the misconduct committed on 03-01-1998. Both the misconducts are committed separately. The Employer could prove the charges of misconduct as stated in charge-sheet date 12-05-1998 at Clause No. 29(II), 29 (XI) and 29 (XII) of its Certified Standing Orders. Similarly, the Workman was also issued one more charge-sheet dated 10-10-1997 and the charges of misconduct levelled against the Workman have been proved to the satisfaction of this Court by acceptable evidence are 29(II), 29(XII), 29 (XXXII), 29 (XXXVI) and 29(XLI). Thus, the charges proved against the Workman are grave and serious. The Workman is employed in defense undertaking related to the National Defense of the Republic of India. Though the Workman claimed to be clean and unblemished past service record, however that will not change the punishment of dismissal issued to him. The punishment of dismissal issued by the Employer does not appear to be shockingly disproportionate so as to shock the judicial conscience of the Court and as such this Hon'ble Court cannot interfere with the punishment of dismissal imposed on the Workman. It appears that the punishment of dismissal imposed on the Workman by the Employer is just, fair, and proper. Hence it is held that the Workman failed to prove that the action of the Employer in terminating his services is illegal and unjustified. The Issue No. 6 is therefore answered in the negative.

44. Issue No. 7: While deciding the Issue No. 6 hereinabove, I have discussed and come to the conclusion that the Workman failed to prove that

the action of the Employer in terminating his services is illegal and unjustified. The workman is therefore not entitled to any relief. The Issue No. 7 is therefore answered in the negative.

In view of above, I proceed to pass the following order:

ORDER

1. It is held that the action of the Management of M/s. Goa Shipyard Pvt. Ltd., Vaddem, Vasco-da-Gama, Goa in terminating the services of Shri Deepak Tirodkar, Structural Fitter w.e.f. 24-01-2005 is legal and justified.
2. The Workman, Shri Deepak Tirodkar is not entitled to any relief.

No order as to cost.

Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Department of Law & Judiciary Law (Establishment) Division

Order

No. 1/7/2014-LD(Estt.)/1158

Government of Goa is pleased to appoint the following Advocates as Additional Government Advocates to appear and defend the interest of the State Government in the matters before the Hon'ble High Court of Bombay at Goa, Panaji with immediate effect and until further orders.

Sr. No.	Name of Advocate	Designation
1.	Adv. Amogh Rajendra Arlekar	Additional Government Advocate.
2.	Adv. Ajay D. Borkar	Additional Government Advocate.

The above Advocates shall be attached to the Office of the Ld. Advocate General, High Court Complex, Porvorim-Goa.

They shall be paid fees as per the existing terms and conditions laid down by the Government vide Order No. 1/19/2015/LD(Estt.)/1515 dated 05-09-2023, as applicable to Government Advocates/Additional Government Advocates and as amended from time to time, on submission of bills (in duplicate) alongwith the attendance certificate, issued by the

Registrar of the High Court of Bombay, Panaji-Goa. They shall comply with the instructions contained in the Government Circular No. 4-43-99/LD dated 04-05-2000 and No. 2-2-2013/LD(Estt.)/1115 dated 31-05-2024. They will appear in those matters, which would be allotted to them by the Ld. Advocate General.

By order and in the name of the Governor of Goa.

Amir Y. Parab, Under Secretary (Law-Estt.).

Porvorim, 11th June, 2024.

Order

No. 2/65/2016-LD(Estt)/1188

The Government of Goa is pleased to order the transfer and posting of the following Civil Registrar-cum-Sub Registrars, Group 'B', Gazetted Officers of Registration Department, with immediate effect in public interest:

Sr. No.	Name of the staff	Present posting	Posted as
1.	Shri Risheek Rajesh Naik	Jt. Civil Registrar-cum-Sub Registrar, Bardez-I	Civil Registrar-cum-Sub Registrar, Bardez.
2.	Smt. Malini Sawant	Civil Registrar-cum-Sub Registrar, Bardez	Civil Registrar-cum-Sub Registrar-I, Bardez.

The aforesaid Officers shall draw pay and allowances against their respective present posts until 19-06-2024 and thereafter from 20-06-2024 against their respective transferred posts.

The officers shall complete the process of handing over/taking over of charge with immediate effect, without fail and submit compliance.

By order and in the name of the Governor of Goa.

Amir Y. Parab, Under Secretary (Law-Estt.).

Porvorim, 18th June, 2024.

Notification

No. 14/12/2022-LD (Estt.)

The Notification No. Rule/P1616/Notn.-04/2024 dated 09-05-2024 which has been issued by the High Court of Judicature at Bombay, is hereby published for general information of the public.

By order and in the name of the Governor of Goa.

Amir Y. Parab, Under Secretary (Law-Estt.).

Porvorim, 10th June, 2024.

High Court of Judicature at Bombay Appellate Side

Notification

No. Rule/P1616/Notn.-04/2024

In exercise of the powers conferred by Rule 4(1) of the Gender Sensitization and Sexual Harassment of Women at the High Court of Bombay (Prevention, Prohibition and Redressal) Regulations, 2014 and in partial modification of the earlier High Court Notification No. Rule/P1616/Notn.01/2024 dated 06th January, 2024 regarding constitution of "The Gender Sensitization and Internal Complaints Committee" to deal with the complaints if any, of sexual harassment of any woman at work place, the Hon'ble the Chief

Justice is pleased to re-constitute “The Gender Sensitization and Internal Complaints Committee” for the High Court of Bombay at Goa as under:-

Name of the workplace	The Gender Sensitization and Internal Complaints Committee
1	2
High Court of Bombay at Goa	1. Hon'ble Smt. Justice U. S. Joshi-Phalke, Chairperson. 2. Hon'ble Shri Justice Bharat P. Deshpande, Member. 3. Smt. Anarkali Agni, Senior Advocate, Member. 4. Ms. Vijaya V. Ambre, Member Secretary, GSLSA, 'Member Secretary'. 5. Ms. Niti Haldankar, Private Secretary to the Hon'ble Judge, Member. 6. Ms. Susan Linhares, Advocate, Member. 7. Mrs. Norma Alvares, Advocate, Member. 8. Mrs. Geeta P. Naik, Assistant, High Court of Bombay at Goa, Member.

High Court of Judicature at Bombay.
Dated: 9th May, 2024.

R. N. Joshi,
Registrar General.



Raj Bhavan

Order

No. GS/ADC-IN/PER/189/2024/1121

Read: Communication No. NA/0384/146 dated 03-04-2024 from Commander, Cdr (Pers) X-NS, Naval Headquarters, Ministry of Defence, New Delhi.

The Hon'ble Governor of Goa is pleased to appoint Lt. Abhishek Dhiman (09828K), Indian Navy, to the post of ADC to Governor at Raj Bhavan with effect from 20-04-2024 (b.n.) on deputation for a period of two years.

2. The appointment of Lt. Abhishek Dhiman is subject to the terms and conditions applicable to such appointment as per the guidelines furnished by Ministry of Defence, Naval Headquarters, New Delhi.

3. The pay and allowances of Lt. Abhishek Dhiman will be fixed separately.

M. R. M Rao, IAS, Secretary to the Governor.

Dona Paula, 28th May, 2024.

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